

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

| | | |
|------------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA |) | Criminal No.: 5-95-CR-74-C |
| |) | |
| v |) | |
| |) | Filed: [9/28/95] |
| OBERKAMPF SUPPLY OF LUBBOCK, INC.; |) | |
| CYRIL REASONER; and |) | |
| CLOWE & COWAN, INC., |) | Violation: |
| |) | 15 U.S.C. § 1 |
| Defendants. |) | |

Judge Cummings

INDICTMENT

The Grand Jury Charges:

I.

OFFENSE CHARGED

1. Oberkampf Supply of Lubbock, Inc., Cyril Reasoner, and Clowe & Cowan, Inc., are hereby indicted and made defendants on the charge stated below.

2. Beginning at least as early as July 1990 and continuing thereafter until at least October 1990, the exact dates being unknown to the Grand Jury, the above-named defendants and others entered into and engaged in a combination and conspiracy to suppress and restrain competition by fixing prices for the sale of certain wholesale plumbing supplies in unreasonable restraint of interstate trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

II.

DEFENDANTS AND CO-CONSPIRATORS

3. Oberkampf Supply of Lubbock, Inc., is incorporated and exists under the laws of the State of Texas and has its principal place of business in Lubbock, Texas. During the period covered by this Indictment, Oberkampf Supply of Lubbock, Inc. was engaged in the sale and distribution of wholesale plumbing supplies through its place of business in Lubbock, Texas.

4. During the period covered by this Indictment, Cyril Reasoner was President of Oberkampf Supply of Lubbock, Inc., and was engaged in the sale and distribution of wholesale plumbing supplies through Oberkampf Supply of Lubbock's place of business in Lubbock, Texas.

5. Clowe & Cowan, Inc., is incorporated and exists under the laws of the State of Texas and has its principal place of business in Amarillo, Texas. During the period covered by this Indictment, Clowe & Cowan, Inc. was engaged in the sale and distribution of wholesale plumbing supplies through its place of business in Lubbock, Texas.

6. Various corporations and individuals, not made defendants in this Indictment, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

7. Whenever in this Indictment reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

DESCRIPTION OF THE CONSPIRACY

8. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial term of which was to fix prices of certain wholesale plumbing supplies sold through their places of business in Lubbock, Texas.

9. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators performed the following acts, among others:

- (a) met at two locations in Lubbock, Texas;
- (b) during such meetings discussed prices being charged for certain wholesale plumbing supplies sold through their places of business in Lubbock, Texas;
- (c) during such meetings agreed upon minimum prices to be charged for certain wholesale plumbing supplies sold through their places of business in Lubbock, Texas; and
- (d) during such meetings fixed minimum prices for certain wholesale plumbing supplies sold through their places of business in Lubbock, Texas.

IV.

TRADE AND COMMERCE

10. During the period covered by this Indictment, substantial quantities of wholesale plumbing supplies were purchased by the defendants and co-conspirators from manufacturers located outside the State of Texas and transported into the State of Texas for sale to customers. In addition, payments, money, billing statements, and other forms of business communications were transmitted between locations in the State of Texas and locations outside the State of Texas, in connection with the wholesale plumbing supplies that are the subject of this Indictment.

11. The business activities of the defendants and co-conspirators that are the subject of this Indictment were within the flow of, and substantially affected, interstate trade and commerce.

V.

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Indictment was formed and carried out, in part, within the Northern District of Texas, Lubbock Division, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

DATED this _____ day of _____, 1995.

A TRUE BILL

"/s/"
FOREPERSON

"/s/"

ANNE K. BINGAMAN
Assistant Attorney General

"/s/"

WILLIAM C. MCMURREY

"/s/"

GLENN A. HARRISON
Deputy Assistant Attorney General

"/s/"

ALAN A. PASON
Chief, Dallas Office
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"/s/"

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"/s/"

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